

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

FILED

2002 JAN 26 P 3:13

UNITED STATES OF AMERICA

v.

TYSON FOODS, INC.,
ROBERT HASH,
GERALD LANKFORD,
KEITH SNYDER,
TRULEY PONDER,
SPENCER MABE, and
JIMMY ROWLAND

No. 4:01-cr-061
Edgar

SCHEDULING ORDER

This case came before the United States Magistrate Judge for an initial appearance and arraignment of the defendants on January 24, 2002. There were motions by counsel for the government and defendants requesting an exception under the Speedy Trial Act for purposes of setting a trial schedule. Counsel for the government informed the Court there were approximately 422 undercover audiotapes and 36 videotapes involving approximately 2,000 hours of conversation. Additionally, the government advised the Court that documents totaling approximately 360,000 pages have been subpoenaed. Counsel for the defendants informed the Court on the record that due to the complex nature of this case, it would be impossible to be prepared for trial within the normal limits of the Speedy Trial Act.

The Court determines, pursuant to 18 U.S.C. § 3161(h)(8)(B)(ii), that this case is so unusual and complex, due to the nature of the prosecution, the amount of documents and pretrial discovery, the number of defendants, and the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the limits of the Speedy Trial Act. The Court further concludes that taking this action outweighs the best interest of the public and the defendants in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). Therefore, the following trial schedule is hereby **ORDERED**:

(1) All motions shall be filed in this cause no later than **Friday, November 8, 2002**. Any motion which requires the resolution of an issue of law must be accompanied by a supporting memorandum. E.D.TN. LR 7.1. Without such a memorandum, the motion will not be considered by the Court.

(2) Plea bargaining shall be concluded by **Friday, December 6, 2002**, and any written agreement shall be executed by said date.

(3) A final pretrial conference pursuant to FED. R. CRIM. P. 17.1 is set to commence before the Chief United States District Judge in **Chattanooga, Tennessee**, at **1:00 p.m. on Monday, January 13, 2003**. If no evidence is to be taken and matters of law are discussed only, a defendant need NOT be present. If evidence is to be taken at the pretrial conference, the defendant must be present. LR 16.2, E.D.TN. At the pretrial conference, an attempt will be made to promulgate and settle trial procedures, including (1) estimated length of trial; (2) method of conducting voir dire; (3) number and use of peremptory challenges; (4) whether any stipulations of fact have been made or can be made; (5) mechanics of trial; (6) identification of evidentiary or legal


questions likely to arise at trial which require special attention of the Court and counsel; (7) exhibits; (8) other matters which may be raised by the Court or counsel.

(4) All requests for jury instructions shall be submitted no later than **Tuesday, January 21, 2003.**

(5) The trial of this case will be held before the Chief United States District Judge and a twelve-person jury at the United States Courthouse in **Chattanooga**, Tennessee, beginning on **Tuesday, February 4, 2003**, and is expected to take approximately two months. Counsel shall be present at 9:00 a.m. to take up any preliminary matters which may require the Court's attention. The parties shall be prepared to commence trial at 9:30 a.m. on the date which has been assigned.

The defendants, through counsel, orally moved that the trial be held in the Winchester Division at Winchester, Tennessee. Alternatively, if the trial is to be held in Chattanooga, the defendants have requested that the jury pool be selected from the Winchester Division. It is **FURTHER ORDERED** that the defendants shall file motions on this issue on or before **March 1, 2002**. The government shall file any response on the issue of venue on or before **March 29, 2002**.

ENTER:



R. ALLAN EDGAR
CHIEF UNITED STATES DISTRICT JUDGE